



Haryana Government Gazette

EXTRAORDINARY

Published by Authority

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No. 207-2024/Ext.] CHANDIGARH, MONDAY, DECEMBER 23, 2024 (PAUSA 2, 1946 SAKA)

HARYANA GOVERNMENT

TOWN & COUNTRY PLANNING DEPARTMENT

Notification

The 23rd December, 2024

No. 2/10/2019-1TCP.— In exercise of the powers conferred by sub-section (1) read with sub-section-2 of 84 of the Real Estate (Regulation and Development) Act, 2016 (Central Act 16 of 2016), the Governor of Haryana hereby added the following rules in the Haryana Real Estate (Regulation and Development) Rules 2017, namely.

26-A (i) Inquiry of the charges against the Chairperson or Member of the Authority - (1) In the event of the State Government becoming aware of the occurrence of any of the circumstances specified in clause (d) or clause (e) of sub-section (1) of section 26 in case of the Chairperson or a Member of the Authority, by receipt of a complaint in this regard or suo-moto, as the case may be, the State Government shall make a preliminary inquiry through an officer not below the rank of Additional Chief Secretary, who has served in Haryana State, as the appropriate Government may deem fit, with respect to such charges.

(2) On preliminary inquiry and after obtaining the comments of the concerned Chairperson or Member, if the State Government considers that there exists a prima facie case for further investigation of the allegation, the Government may, after consulting the Chief Justice of the High Court appoint a sitting Judge for the purpose of conducting such inquiry.

(3) The Government shall inform the charges against the Chairperson or such Members of the Authority, as the case may be, to the Judge so appointed.

(4) The State Government shall forward to the Judge so appointed copies of,-

- (a) the statement of charges against the Chairperson or Members of the Authority, as the case may be;
- (b) material documents and other evidences relevant to the inquiry.

(ii). Powers of the Judge. (1) The Judge so appointed under Rule 26-A(i)(2), shall deliver or cause to be delivered to the Chairperson or Member of the Authority, as the case may be, a copy of the statement of charges and a list of documents, if any, and shall require him to submit within such time as may be allowed, a written reply or statement of his defence.

(2) The Judge shall be guided by the principles of natural justice and shall have power to regulate his own procedure including the fixing of places and time of the inquiry.

(3) The Judge shall have, for the purposes of discharging his functions under these rules, the same powers as vested in a civil court under the Code of Civil Procedure, 1908 (5 of 1908), while trying a suit, in respect of the following matters, namely:-

- (a) summoning and enforcing the attendance of any person and examining him on oath;
- (b) requiring the discovery and production of document;
- (c) receiving evidence on affidavits; and (d) subject to the provisions of sections 123 and 124 of the Indian Evidence Act, 1872 (1 of 1872), requisitioning any public record or document or copy of such record or document from any office.

(4) Where it is alleged that the Chairperson or Member of the Authority is unable to discharge the duties of his office efficiently due to any physical or mental incapacity and the allegation is denied, the Judge may take necessary action as deemed fit for medical examination of the Chairperson or Member of the Authority.

(5) After the conclusion of the inquiry, the Judge shall submit his report to the State Government stating therein his findings and the reasons thereof on each charges separately with such observations as he thinks fit. The report of inquiry shall clearly indicate the allegations are proved or otherwise.

(6) On the basis of the report of the inquiry along with the recommendations so received, the State Government shall by Order decide either to remove or otherwise the Chairperson or Member of the Authority, as the case may be.

(iii). Filling of vacancy. The State Government shall initiate necessary action under rule 4 to fill the vacancy of the Chairperson or Member of the Authority, as the case may be, caused by such removal.

26-B. (i) Inquiry of the charges against the Chairperson or Member of the Appellate Tribunal - (1) In the event of the State Government becoming aware of occurrence of any of the circumstances specified in sub-section (4) of section 49 in case of the Chairperson or Member of the Appellate Tribunal, by receipt of a complaint in this regard or suo-moto, as the case may be, the State Government shall make a preliminary inquiry through a Retired Judge of Supreme Court of India with respect to such charges.

(2) On preliminary inquiry and after obtaining the comments of the concerned Chairperson or Member, if the State Government considers that there exists a prima facie case for further investigation of the allegation, the Government may, after consulting the Chief Justice of the High Court of Punjab and Haryana appoint a sitting Judge for the purpose of conducting such inquiry.

(3) The Government shall inform the charges against the Chairperson or such Members of the Appellate Tribunal, as the case may be, to the Judge so appointed.

(4) The State Government shall forward to the Judge so appointed copies of,-

- (a) the statement of charges against the Chairperson or Members of the Appellate Tribunal, as the case may be;
- (b) material documents and other evidences relevant to the inquiry.

(5) The Government may suspend the Chairperson or Member of the Appellate Tribunal in respect of whom a reference of conducting an inquiry has been made to the Judge of the High Court under sub-rule 26-B(i)(2), until the Government passes an order on receipt of the report of inquiry made by the Judge of the High Court on such reference.

(ii). Powers of the Judge. (1) The Judge so appointed under Rule 26-B(i)(2), shall deliver or cause to be delivered to the Chairperson or Member of the Appellate Tribunal, as the case may be, a copy of the statement of charges and a list of documents, if any, and shall require him to submit within such time as may be allowed, a written reply or statement of his defence.

(2) The Judge shall be guided by the principles of natural justice and shall have power to regulate his own procedure including the fixing of places and time of the inquiry.

(3) The Judge shall have, for the purposes of discharging his functions under these rules, the same powers as vested in a civil court under the Code of Civil Procedure, 1908 (5 of 1908), while trying a suit, in respect of the following matters, namely:-

- (a) summoning and enforcing the attendance of any person and examining him on oath;
- (b) requiring the discovery and production of document;

- (c) receiving evidence on affidavits; and
 - (d) subject to the provisions of sections 123 and 124 of the Indian Evidence Act, 1872 (1) of 1872), requisitioning any public record or document or copy of such record or document from any office.
- (4) Where it is alleged that the Chairperson or Member of the Appellate Tribunal is unable to discharge the duties of his office efficiently due to any physical or mental incapacity and the allegation is denied, the Judge may take necessary action as deemed fit for medical examination of the Chairperson or Member of the Appellate Tribunal.
- (5) After the conclusion of the inquiry, the Judge shall submit his report to the State Government stating therein his findings and the reasons thereof on each charges separately with such observations as he thinks fit. The report of inquiry shall clearly indicate the allegations are proved or otherwise.
- (6) On the basis of the report of the inquiry along with the recommendations so received, the State Government shall by Order decide either to remove or otherwise the Chairperson or Member of the Appellate Tribunal, as the case may be.
- (iii). Filling of vacancy.-** The State Government shall initiate necessary action under rule 4 to fill the vacancy of the Chairperson or Member of the Appellate Tribunal, as the case may be, caused by such removal.

A. K. SINGH,
Additional Chief Secretary to Government Haryana,
Town and Country Planning Department.